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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/657,822

Applicant(s)

HANSON, ROBERT RAY

Examiner

ANDRAE S. ALLISON

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response filed 28 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-19 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-19 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIB) Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Remarks

1. Applicant's arguments see response, filed July 27, 2011, with respect to claims 1-5 have been fully considered and are persuasive. The rejection of claims has been withdrawn. However, upon further consideration, a new ground of rejection is being presented. Claims 1-19 are pending

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Yacenda et al (Pub No.: US 2004/0015993) further in view of Giaccherini et al (Pub No.: US 2002/0085588).

As to claim 4, Matsushima discloses a method comprising: receiving an audiovisual master file from a movie recording studio (content list 700, see Fig 2 and [p][0038], line 1-7), the audiovisual master file being in a first encoded and compressed format (e.g. movies - see [p][0032], line 4); encrypting the encoded audiovisual master file to create an encrypted encoded audiovisual master file (encrypted content, column

[0101], lines 1-3); generating keys (encrypted content key, [p][0102], line 4) associated with the encrypted encoded audiovisual master file for using in decoding the encrypted encoded audiovisual master file (see [p][0102]); transmitting the encrypted encoded audiovisual master file and the associated keys to a distribution point host computer (101, distribution server apparatus; see Fig 1 and [p][0114], lines 7-9); loading the transmitted encrypted encoded audiovisual master file on the distribution point host computer (see [p][0048]); linking the distribution point host computer with a self-contained entertainment device (102, content reception terminal, see Fig 1) and establishing bi-directional authentication (mutual authentication, [p][0114], lines 13) between the distribution point host computer and the self-contained entertainment device through use, in part, of an input-output of the self-contained entertainment device ([p][0114], lines 12-15); using the distribution point host computer to transfer the newly loaded encrypted encoded audiovisual master file and keys associated with the newly loaded encrypted encoded audiovisual master file to the self-contained entertainment device to which the distribution point host computer is linked without decryption (note that the content is still encrypted during the writing process, see [p][0112-0122] the newly loaded encrypted encoded audiovisual master file being transferred to the self-contained entertainment device ([p][0114], lines 8-11); and storing the newly loaded encrypted encoded audiovisual master file and the keys associated with the newly loaded encrypted encoded audiovisual master file on an hard drive (103, recording medium, see Fig1) of the self-contained entertainment device to which the distribution point host computer is linked ([p][0114], lines 15-18).

Matsushima does not expressly disclose using the distribution point host computer to delete at least some of the previously loaded encrypted encoded audiovisual master files from the self-contained entertainment device.

Yacenda discloses using the distribution point host computer to delete at least some of the previously loaded encrypted encoded audiovisual master files from the self-contained entertainment device (see [p][0030], lines 1-6)

Matsushima & Yacenda are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have considered the teaching of Yacenda as a modification to the teaching of Matsushima.

The suggestion/motivation for doing so would have been to automatically delete the oldest movies to free storage capacity for new content using the central or host computer (see [p][0030], lines 1-6).

Therefore, it would have been obvious to combine Matsushima with Yacenda to obtain the invention as specified in claim 4

Additionally, the combination of Matsushima and Yacenda as a whole does not disclose expressly wherein the storage medium is an encrypted hard drive.

Giaccherini discloses an apparatus for secure and copy proof distribution of data (see abstract) that includes wherein the storage medium is an encrypted hard drive (50, see Fig 5).

Matsushima, Yacenda and Giaccherini are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have substituted the storage medium of Matsushima with the encrypted hard drive of Giaccherini to more conveniently protect the audiovisual master file and associated files stored on the self-contained entertainment device without encrypting individual files.

Therefore, it would have been obvious to combine Matsushima with Yacenda and Giaccherini to obtain the invention as specified in claim 4

4. Claims 3, 5, 9-11, 15 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588) further in view of Bartholet et al (Pub No.: US 2002/0114453).

As to claim 3, Matsushima discloses a system comprising: a visual display (104, see Fig 1); a processor (microprocessor, [p][0035], line 2); encrypted audiovisual files (encrypted content, [p][0114], line 9); a file decryptor (decryption key, [p][0156], line 6) for decrypting the encrypted files ([p][0156], lines 6-9; an input-output authenticator (128, see Fig 1) configured to authenticate a device attempting to communicatively link to the input-output ([p][0086], lines 1-4).

Matsushima does not disclose expressly a sound output, an encrypted hard drive containing the encrypted audiovisual files; an input-output with unique physical

configuration an encrypted hard drive, a sound output, a case being secured with anti-tamper fasteners and an evidentiary seal positioned to rupture when a portion of the case is disassembled.

Giaccherini discloses an apparatus for secure and copy proof distribution of data (see abstract) that includes wherein the storage medium is an encrypted hard drive (50, see Fig 5), a sound output (wsd – see Fig 8), a case being secured with anti-tamper fasteners (tamper –proof exterior box – see Fig 8) and an evidentiary seal positioned to rupture when a portion of the case is disassembled (tamper –proof exterior box – see Fig 8)

Matsushima and Giaccherini are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have substituted the storage medium of Matsushima with the encrypted hard drive of Giaccherini to more conveniently protect the audiovisual master file and associated files stored on the self-contained entertainment device without encrypting individual files.

Therefore, it would have been obvious to combine Matsushima and Giaccherini to obtain the invention as specified in claim 3.

Note the discussion above, the combination of Matsushima and Giaccherini as a whole does not expressly disclose a hard drive decryptor configured for decrypting the encrypted hard drive.

Bartholet disclose a hard drive decryptor configured for decrypting the encrypted hard drive (see claim 20 on page 8).

Matsushima, Giaccherini & Bartholet are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have considered the teaching of Bartholet as a modification to the combination of Matsushima and Giaccherini.

The suggestion/motivation for doing so would have been to decrypt a storage device so that the management of access to stored data can be separate and distinct with respect to individual users (see [p][0054]) .

Therefore, it would have been obvious to combine Bartholet with Matsushima and Giaccherini to obtain the invention as specified in claim 3.

Note the discussion above, the combination of Matsushima, Giaccherini and Bartholet as a whole does not expressly disclose an input-output with unique physical configuration. However, the Examiner takes Official Notice to note that an input-output with unique physical configuration such as USB is notoriously well known and used in related art for connecting electronic devices.

As to claim 5, note the discussion of claim 3 above.

As to claim 9, note the discussion above, Giaccherini teaches the system, wherein the display, processor and encrypted hard drive are integral in a single portable device (see Fig 5).

As to claim 10, note the discussion above, Bartholet teaches the system, wherein the hard drive decryptor and file decryptor are on a same physical device (see Fig 1).

As to claim 11, note the discussion above, Bartholet teaches the system, wherein the hard drive decryptor is configured to use decryption methods separate from those used by the file decryptor to decrypt individual encrypted files (note that the storage decryption is separate from the data decryption – see Fig 1 and claim 20 on page 8).

As to claim 15, note the discussion above, Giaccherini teaches the system, wherein the input-output is configured to provide a sole and exclusive source for external access to the encrypted hard drive (see Fig 5).

As to claim 18, Matsushima, teaches the system, wherein the system includes an in-flight entertainment device and the device attempting to communicatively link to the input-output is a distribution point computer, and wherein the in-flight entertainment

device is configured to display the decrypted audiovisual files on the visual display after disconnection from the distribution point host computer (see [p][0111]).

As to claim 19, note the discussion above Giaccherini teaches the system wherein the in-flight entertainment device is configured for use during a commercial airline flight, separate from the distribution point host computer (see Fig 4).

5. Claims 1-2 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588) further in view of Tehranchi et al (US Patent No.: 7,043,019)

As to claim 1, all the limitations are discussed above except adding watermark characters to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file.

The combination of Matsushima , Yacenda , Giaccherini as a whole does disclose expressly adding watermark characters to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file.

Tehranchi disclose a method for displaying a copy deterrent pattern (column 1, lines 5-10) that includes adding watermark characters (column 5, lines 25-58) to the encoded audiovisual master file and adding camera artifacts to the encoded audiovisual master file (note that the camera artifacts are only produced when the audiovisual presentation is recorded by a video camera, see column 5, lines 30-35).

Matsushima, Yacenda, Giaccherini and Tehranchi are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add the method for displaying a copy deterrent pattern of Tehranchi to the content (e.g. movies) of Matsushima as modified by Giaccherini and Yacenda to use modulation frequency and modulation timing in order to obtain aliasing of a projected image when sampled by a video capture device, thereby obscuring an illegal copy of the projected image (column 5, lines 40-50).

Therefore, it would have been obvious to combine Matsushima Yacenda Giaccherini and Tehranchi to obtain the invention as specified in claim 1.

As to claim 2, Matsushima teaches the method further including using the self-contained entertainment device to subsequently decrypt the newly loaded encrypted encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device using the keys associated with the newly loaded encrypted ([p][0156], lines 1-9) encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device to display audiovisual presentation of the newly loaded encrypted encoded audiovisual master file stored on an encrypted hard drive of the self-contained entertainment device to a person who rented the self-contained entertainment device (see [p][0111]).

As to claim 6, note the discussion above, Tehranchi teaches the method, wherein adding watermark characters to the encoded audio visual master file includes adding characters(see column 25, lines 10-14); however does not expressly disclose wherein the character are used for identifying time and place of encoding. However, it would have been obvious for one skilled in the art using known methods insert characters for identifying time and place of encoding predictable result, so that the place and time of encoding could be easily recovered from stolen digital content.

As to claim 7, note the discussion above, Tehranchi teaches the method, wherein adding camera artifacts to the encoded audiovisual master file includes adding elements invisible to the naked eye upon display of the audiovisual master file, but visible to the naked eye upon display of a video recording of the audiovisual master file (note that the camera artifacts are only produced when the audiovisual presentation is recorded by a video camera, see column 5, lines 30-35).

As to claim 8, Giaccherini teaches the system, wherein the system is an in-flight entertainment device for use during a commercial airline flight (note that the system can delivery content to terminal in an airplane – see, [p][0043], line 13).

6. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588) in view of Bartholet et al (Pub No.: US 2002/0114453) further in view of Eicher (US Patent No.: 6,807,148).

As to claim 12, the combination of Matsushima, Yacenda and Bartholet as a whole does not expressly disclose the system, wherein the input-output is on an in-flight entertainment device and the unique physical configuration includes a shape complementary to a shape of a uniquely formed connector configured to physically couple the in-flight entertainment device to a distribution point host computer.

Eicher discloses wherein the input-output is on an in-flight entertainment device (see Fig 2) and the unique physical configuration includes a shape complementary to a shape of a uniquely formed connector configured to physically couple the in-flight entertainment device to a distribution point host computer (255 – see Fig 2).

Matsushima, Bartholet Yacenda & Eicher are combinable because they are from to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have considered the teaching of Eicher as a modification to the combination of Matsushima, Bartholet and Yacenda

The suggestion/motivation for doing so would have been to provide a data distribution system that is fault tolerant and delivers data when demanded over a channel assigned to a user (see column 2, lines 10-15).

Therefore, it would have been obvious to combine Eicher with the combination of Matsushima, Bartholet and Yacenda to obtain the invention as specified in claim 12.

As to claim 13, Eicher teaches the system, wherein the unique physical coordination is configured to communicate through a standard communication protocol (e.g. IEEE 1394 – see column 2, lines 50-51).

As to claim 14, Eicher teaches the system, wherein the standard communication protocol includes IEEE 1394 (see column 2, lines 50-51).

7. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima et al (Pub No.: 2002/0159592) in view of Giaccherini et al (Pub No.: US 2002/0085588) in view of Bartholet et al (Pub No.: US 2002/0114453) further in view of Spacey (Pub No.: US 2003/0074563).

As to claim 16, Matsushima, Giaccherini and Bartholet as whole does not expressly disclose wherein the input-output authenticator is configured to authenticate the device attempting to communicatively link to the input-output only during a limited time window. Spacey disclose wherein the input-output authenticator is configured to authenticate the device attempting to communicatively link to the input-output only during a limited time window (see [p][0018])

Matsushima, Giaccherini, Bartholet and Spacey are combinable because they are directed to distributing digital content in secure fashion.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have considered the teaching of Spacey as a modification to the combination of Matsushima, Giaccherini and Bartholet

The suggestion/motivation for doing so would have been for the secure distribution and use of electronic media while reducing the risk of piracy, viruses and security breaches (see [p][0003-0004])

Therefore, it would have been obvious to combine Spacey with Matsushima Giaccherini and Bartholet to obtain the invention as specified in claim 16.

As to claim 17, none of the cited prior art teaches the system, wherein the input-output authenticator is configured to require a physical reconnection between the device and the input-output when authentication is attempted outside of the limited time window. However, it would have been obvious for one skilled in the art using known methods to require a physical reconnection between the device and the input-output when authentication is attempted outside of the limited time window predictable result, so that information on the host computer and the portable computer will updated or synced.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is (571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrae S Allison/
Primary Examiner, Art Unit 2624

